

making sure no one was too liberal for his tastes to be a clerk for the Justice. After first asserting the comments ascribed to him were meant as a joke, Mr. Estrada then gave very careful lawyerly answers to follow-up questions.

I cannot say for certain that he was untruthful. I am not saying that. But he certainly was not forthcoming. And this is the pattern throughout the process of trying to examine this nomination of Mr. Estrada.

Both to this area and in answers to questions concerning specific decisions of the courts or legal principles, I think the Senate has the right and duty to demand more openness and responsiveness from someone whose public record is so thin and who has been nominated for such an important judicial position.

Let me be clear, I very much want to be fair about something such as this. I probably would vote to confirm Miguel Estrada to a Federal district court judgeship. He has a distinguished academic and employment record. But for this crucial seat on this crucial court, we need to be confident that a nominee, if confirmed, will be fair, impartial, and not devoted to advancing an ideological agenda.

Based on the record before us, I do not have that confidence in Mr. Estrada. I must, therefore, reluctantly oppose his nomination.

I yield the floor.

#### LEGISLATIVE SESSION

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 4, 2000, in Grant Town, WV. Arthur "J.R." Carl Warren, Jr., 26, an openly gay African-American man, was brutally murdered. The two 17-year-old boys who killed Warren beat him and repeatedly kicked him with steel-toed boots. They threw him in a car and drove across town where they beat him further and drove

back and forth over his body, ultimately killing him. The attackers were known to describe Warren using racial epithets and antigay slurs.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### TRADE ADJUSTMENT ASSISTANCE LEGISLATION FOR FARMERS

Mr. CONRAD. Mr. President, I want to take a few minutes today to express my concern about yet another implementation foulup at the Department of Agriculture. Over the past several months, many colleagues and I have been extremely disappointed to find that USDA has deliberately ignored congressional intent in implementing the farm bill. Today, I want to point out to my colleagues that this pattern is not limited to the farm bill.

Six months ago, we enacted comprehensive trade legislation that gave the President trade promotion authority. In return for this authority, the President embraced an expansion of the Trade Adjustment Assistance program to help those who suffer ill effects as a result of trade agreements. I was extremely pleased that this expansion of Trade Adjustment Assistance included legislation I authorized to make the TAA program work for farmers.

When a trade agreement causes manufactured imports to increase, and plants close and workers lose their jobs, the workers are eligible for cash benefits and retraining under TAA so that they can adjust to this dislocation and find new work. But when a trade agreement or change in our trade policy results in a flood of agricultural imports that collapse prices and cost farmers tens of thousands of dollars in the lost income, farmers could not qualify for assistance because the program requires that you lose your job. Farmers don't lose their jobs. They still bring in the harvest. But when prices collapse, they can end up losing a lot more than income than the manufacturing worker who does lose a job. That is unfair, and it is wrong.

My TAA for Farmers legislation would fix it to make sure farmers can receive assistance when trade causes their prices and incomes to collapse. The law we passed last year directed USDA to get this program up and running by February 3—this past Monday. But just a few days ago, without any prior warning, USDA informed me that Secretary Veneman and her top deputies had ignored the law. They never bothered to direct anyone to write the rules to implement TAA for Farmers. USDA is only now getting started on this project, and it will take at least 6 months before the rules are in place.

That means farmers who were hurt by trade last year will not be able to get the assistance to which they are entitled under the law. That is just not right.

Year in and year out, agriculture is one of the few bright spots in our international trade picture. At a time when we are running \$400 billion annual trade deficits, agriculture is one of the few sectors to show a trade surplus. Yet too often in trade negotiations our agricultural interests have been traded away to get agreement in other areas. And the results can be devastating.

For example, in North Dakota we have had a bitter experience with the Canadian Free Trade Agreement. As a result of defects in that agreement, North Dakota wheat and barley growers have been subjected to a flood of unfairly traded Canadian imports, costing our farmers hundreds of millions of dollars in lower prices and lost sales. Not surprisingly, support for trade expansion out in farm country, where it ought to be stronger than anywhere else, has slipped dramatically. My TAA for Farmers legislation is designed to create a safety net to help farmers in this circumstance. My hope is that this legislation will also help rebuild support for trade agreements than can increase our agricultural imports.

But that certainly won't happen if Secretary Veneman and the USDA ignore the law and fail to implement the program. So I want to put the Secretary on notice that, while I cannot say I am surprised that she has once again failed to come through for farmers, I am certainly disappointed. And I will be watching very closely to make sure that the timetable does not slip again and that the final rule is consistent with congressional intent.

#### BLACK HISTORY MONTH

Mr. KOHL. Mr. President, I rise today to commemorate the observance of Black History Month.

Dr. Carter Godwin Woodson launched "Negro History Week" in 1926 to counter widespread ignorance and distortion about the history of African Americans in the United States. In 1976, the week was expanded to a month and renamed "Black History Month." February was chosen because many key dates in black history occur in that month: the birthdays of Frederick Douglass, W.E.B. Dubois, Langston Hughes, and Abraham Lincoln; the founding of the NAACP; the swearing in of the first African American Senator, the Honorable Hiram Revels; and passage of the 15th amendment to the Constitution proclaiming the right of U.S. citizens to vote regardless of race, color, or previous condition of servitude.

African-Americans are responsible for rich contributions to the State of Wisconsin as well as the entire Nation. I would like to encourage all Wisconsin residents to honor Black History Month by utilizing local resources such